

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RACHEL B.,

Plaintiff,

v.

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

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Case No. 2:23-cv-2341

Chief Judge Algenon L. Marbley

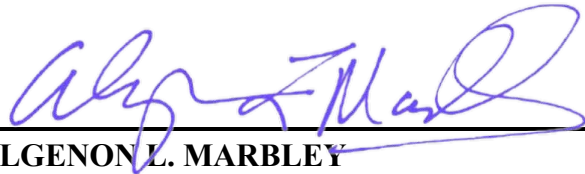
Magistrate Judge Elizabeth P. Deavers

OPINION AND ORDER

Plaintiff, Rachel B., an Ohio resident, seeks review of a final decision of the Commissioner of Social Security denying her applications for social security disability insurance benefits and supplemental social security income. (ECF No. 8). In her statement of errors, Plaintiff takes issue with the finding that she is not disabled, arguing that the Administrative Law Judge (“ALJ”) applied an incorrect standard by binding itself to a prior ALJ’s findings which held Plaintiff to “an unwarranted additional procedural burden.” (*Id.* at 1). The Magistrate Judge issued a Report and Recommendation (“R&R”) recommending that this Court overrule Plaintiff’s statement of errors and affirm the Commissioner’s decision. (ECF No. 11). In support of this, the R&R explained how the ALJ indeed applied the correct standard, as evidenced by the second ALJ’s explicit statement that “the undersigned is not bound by the findings of the previous [ALJ]’s decision[.]” (*Id.* at 15). Plaintiff was advised of her right to object to the R&R within fourteen days and of the rights she would waive by failing to do so. (*Id.* at 17–18).

This Court has reviewed the R&R. No objections have been filed, and the time for filing such objections under Fed. R. Civ. P. 72(b) has expired. Finding the R&R to be correct in fact and law, this Court hereby **ADOPTS** the R&R (ECF No. 11).

IT IS SO ORDERED.



ALGENON L. MARBLEY

CHIEF UNITED STATES DISTRICT JUDGE

DATED: August 8, 2024